IN THE SUPERIOR COURT OF GWINNETT COUNTY
STATE OF GEORGIA

EDWARD ELIOT KRAMER, *Petitioner,* v. BRIAN OWENS, Commissioner, Georgia Department of Corrections; URIE JOSEY, Specialized Probation Supervisor, Georgia Department of Corrections; STATE OF GEORGIA, *Respondent.*	:	Civil Action No. 14A 09558 5 **HABEAS CORPUS**

PETITION FOR A WRIT OF HABEAS CORPUS

Petitioner EDWARD ELIOT KRAMER, through undersigned counsel, hereby submits this verified Petition for a Writ of Habeas Corpus, pursuant to O.C.G.A. § 9-14-41, *et seq.*, challenging the legality of the conviction and sentence on which his current confinement is based.

I. JURISDICTION AND VENUE

1. Petitioner brings this action in the "superior court of the county in which [he] is being detained." O.C.G.A. § 9-14-43.

2. Furthermore, Petitioner is being detained under the custody of the Georgia Department of Corrections ("GDOC"), confined to his home with all movements monitored and regulated by GDOC probation services under the ultimate custodial supervision of GDOC Commissioner Brian Owens. O.C.G.A. § 9-14-45.

3. Consequently, the State Attorney General's Office is the appropriate legal counsel to defend the Petition and has been served accordingly. *Id.*

II. STATEMENT OF OPERATIVE FACTS AND ALLEGATIONS

4. Petitioner maintains his innocence, as he has steadfastly and unwaveringly done since his arrest on August 25, 2000.

5. The conviction and sentence being challenged in this Petition stem from a guilty plea entered pursuant to *North Carolina v. Alford* on December 2, 2013, presented by the State prior to jury selection in the Gwinnett County Superior Court, Judge Karen E. Beyers presiding, case number 03-B-03561-5 (earlier indictment 00-B-03771-5). Notwithstanding, Petitioner's counsel presented on record during the hearing that Petitioner maintains his innocence on all charges, and no evidence was placed on record by the Gwinnett County District Attorney's Office ("State") or Court to deem otherwise (Ex. B, *Plea Transcript*).

6. Petitioner was sentenced under the Georgia First Offender Act on three counts of child molestation and was given an aggregate sentence of 20 years with five to serve in confinement. Additionally, Petitioner was ordered to pay the State the sum of $100,000 for each of the three declared victims, for a total of $300,000. However, no evidence was placed before the Court as to why or how the State determined the amount of restitution to the declared victims, or even that the declared victims suffered any damage or loss at all. (Exhibit C, *Sentence*).

7. Petitioner was represented by the following counsel, listed alphabetically:

a. James S. Altman, 170 Mitchell St., S.W., Atlanta, GA 30303

b. Robert L. Barr, Jr., 3101 Towecreek Pkwy., Ste. 150, Atlanta, GA 30339

c. Walt M. Britt, 4350 South Lee St., PO Box 1749, Buford, GA 30515

d. John H. Carmichael, 269 S. Beverly Dr., Ste 395, Beverly Hills, CA 90212

e. Edwin Marger, 44 North Main St., Jasper, GA 30143

f. Brian Steel, 1800 Peachtree St., N.W., Ste. 300, Atlanta, GA 30309

g. McNeill Stokes, 1040 Peachtree Battle Ave., Atlanta, GA 30327

h. Deborah Weiss, 155 North Michigan Ave., Ste 715, Chicago, IL 60601

A. 2000-2007

8. On August 25, 2000, Petitioner was arrested and detained at the Gwinnett County Adult Detention Center ("Gwinnett Jail").

9. Shortly following his arrest and detention, Petitioner suffered traumatic brain injury and a broken neck on October 4, 2000, causing damage to his spinal cord resulting in a reduced ability of his diaphragm to function in order to fully absorb oxygen into his lungs, rendering him legally disabled.[1] (Ex. D, *Declaration of Dr. Glenn R. Parris*).

[1] The Honorable S.S.A. Administrative Law Judge, Dana E. McDonald indicated that Plaintiff suffered from multiple severe impairments rendering him fully disabled, as defined in the Social Security Act (20 CFR §§ 404.1520 (d) and 416.920 (d)).

10. On November 8, 2000, Petitioner was indicted in case number 00-B-3771-2 with three counts of child molestation and one count of aggravated child molestation.

11. Less than a month later, on December 1, 2000, Petitioner was the victim of a witnessed vicious assault by correctional officers who slammed Petitioner's head into a wall, leaving a golf-ball sized hematoma on Petitioner's forehead resulting in additional traumatic brain injury. (Ex. D).

12. On December 14, 2000, Petitioner was arraigned in case number 00-B-3771-2, pleading not guilty to all charges and demanding a jury trial.

13. On or around January 24, 2001, Petitioner was granted a bond and released from the Gwinnett Jail to a very restricted house arrest, disallowing even Petitioner's 78-year old mother to visit. Over the course of the next eighteen months, the case was set for trial on three different occasions, with the large majority of the delay attributable to the State's inaction.

14. On April 10, 2002, the Court heard pre-trial motions in anticipation of a May 6, 2002 trial date, and granted Petitioner's motion to suppress videotapes illegally seized from his home. As is the case with the totality of the evidence against Petitioner, these videotapes demonstrated no link to the allegations, as they were merely innocuous, commercial movies present in virtually all Americans' homes.

15. The State appealed the grant to the Georgia Court of Appeals, which affirmed on March 26, 2003. *State v. Kramer*, 260 Ga. App. 546 (2003).

16. On October 23, 2003, Petitioner was indicted in case number 03-B-3561-2 with two counts of aggravated child molestation and four counts of child molestation, to which he pled not guilty. The new indictment included all counts from the original, without dismissing the first. (Ex. E, *2003 Indictment*).

17. On October 24, 2003, the Court modified the conditions of Petitioner's bond, expressly stating that all other conditions from the previous bond order would remain in force. (Ex. F, *2003 Bond Modification Order*).

18. The next three years were consumed with trial dates set and continued, with the vast majority of the delay attributable to the State. These delays ultimately led to Petitioner moving to dismiss due to a speedy trial violation, which worked its way to the Georgia Court of Appeals, affirming the denial on October 10, 2007. *Kramer v. State*, 87 Ga. App. 796 (2007).

19. Also during the pendency of this appeal, the State and Court sent Petitioner, a U.S. native-born American Citizen, to Tel Aviv, Israel by order for ten days, with Petitioner returning on the directed date without incident.

B. 2008-2010

20. On or around May 21, 2008, the Court was said to have modified Petitioner's bond such that Petitioner was not permitted to have unsupervised

contact with any person under the age of sixteen years, and was required to stay in certain locations in the United States. The bond order, however, did not emerge from any court action, nor was it signed by Petitioner, nor his counsel. The Court's signature was penned by the State as well, without expressed permission. (Ex. G, *2008 Bond Order*).

21. On April 22, 2009, due to Petitioner's substantial infirmities and, consequently, his inability to stand trial, Judge Karen E. Beyers ordered, inter alia, "that the above-styled case shall not be scheduled for trial until such time that the Defendant files an appropriate motion and presents convincing evidence to this Court that he is physically and mentally able to effectively assist counsel and effectively participate in a trial under the accommodations[2] set forth by the Court." As clearly indicated by the signature on the order, the State, District Attorney Daniel J. Porter, consented to its entry. (Ex. H, *2009 Continuance Order*).

22. Shortly thereafter, on August 31, 2009, a bond order was entered whereby Petitioner was placed on a personal recognizance bond. This order did not include similar language to the October 24, 2003 bond modification order that expressly

[2] Said "accommodations" were neither relevant to the medical conditions or disability of the Petitioner, nor the functioning of the Court itself. They were established in direct violation of Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act of 1990 and based on the whims of Judge Karen E. Beyers and District Attorney Daniel J. Porter, as to the way they preferred to try cases, and expressed such on record. Testimony in affidavit for the hearing by Glenn R. Parris, M.D. (recognized as expert medical witness in the case) was ignored by State and Court.

included previous bond conditions; therefore, this order replaced and nullified the pre-existing bond order of May 21, 2008. (Ex. I, *2009 Bond Order*).

23. The only requirement of this August 31, 2009 bond order was that Petitioner appear at all scheduled court dates. This order and acknowledgement were signed by the State, the Court, Petitioner, and Petitioner's counsel. Moreover, counsel indicated to Petitioner that by this route, the State and the Court could "save face," with the charges dismissed quietly.

C. 2010-2013

24. On September 2, 2010, more than a year following the 2009 personal recognizance bond and 2009 continuance order, Petitioner and counsel again demanded trial. (Ex. J, *2010 Demand*). The State and Court refused to acknowledge or reply to the demand for trial, and in May 2011 Petitioner's counsel withdrew the demand.

25. Petitioner's mother had passed on at the age of 88. Accordingly, counsel documented in writing to the State that Petitioner would be in mourning for several weeks in New York following her funeral.

26. Allowing two complete terms of court to pass, Petitioner's counsel withdrew the demand, May 2, 2011. Petitioner was instructed by counsel to relocate from Georgia – anywhere in the world – and "get on with your life." Under the guidance of counsel, Petitioner made trips to California and Kentucky,

but consequently, moved to Brooklyn, New York, his place of birth. Notice of Petitioner's move was made by counsel to the State. As the case was believed to no longer be an active prosecution, correspondence was diminished to simply email between counsel and the State.

27. On advice of counsel, Petitioner continued to make weekly calls to the State, even though counsel acknowledged Petitioner was under no obligation to do so, as the 2009 bond order included no such obligating condition. Petitioner had logged and recorded each call to the district attorney, offering documentation to counsel on several occasions; his counsel declined, acknowledging "it wouldn't matter."

28. On advice of counsel, Petitioner continued to make weekly calls to the State, even though counsel acknowledged Petitioner was under no obligation to do so, as the 2009 bond order included no such obligating condition. Petitioner had logged and recorded each call to the district attorney, offering documentation to counsel on several occasions; his counsel declined, acknowledging "it wouldn't matter."

29. In September 2011, Petitioner was on the set of a Screen Actors Guild - independent film shot in Milford, Connecticut. Petitioner was present as the legal guardian of the son of his domestic partner for the final day on the set. Both son and mother resided with Petitioner in Brooklyn, New York.

30. Petitioner was arrested, without committing any violation of Connecticut law, at the film's nearby hotel. (Ex. K, *CT Police Report*). This information purportedly came to the State, District Attorney Porter, who then informed the Milford, Connecticut Police Department, instructing them to arrest Petitioner so District Attorney Porter could revoke Petitioner's bond and seek extradition to Georgia the following morning. (Ex. L, *CT Habeas Transcript*).

31. Despite the 2009 orders placing Petitioner on his own recognizance and placing all authority to move the prosecution forward with Petitioner, and the refusal of the State to respond to Petitioner's demand for trial in 2010, thus closing the case, the State filed an ex parte motion to revoke bond, solely on Petitioner's arrest in Connecticut – precipitated under the demand of District Attorney Porter. The revocation of the personal recognizance bond on the case which closed in 2011, was granted by Judge Beyers. (Ex. M, *Emergency Motion to Revoke Bond*; Ex. N, *2011 Order*). All documentation relating to 2009, 2010, and 2011 entries pertaining to the case were withheld by District Attorney Porter from Connecticut law enforcement.

32. In habeas proceedings held in Connecticut, collaterally related to extradition, District Attorney Porter independently and voluntarily appeared as a witness and gave sworn testimony during the civil action in an effort to have Petitioner removed to Georgia. (Ex. L).

33. In his sworn testimony, District Attorney Porter gave false and misleading statements to the Court in his zeal to have Petitioner removed from Connecticut.

34. Specifically, when asked about the April 22, 2009 order that placed prosecutorial authority with Petitioner, District Attorney Porter stated that the order was entered "over the state's objection." (Ex. L, at 23:6-7). Only when confronted with this inconsistency on cross-examination did he admit he signed the document, stating that he did so only to "put the constitutional speedy trial issue to bed." (Ex. L, at 55:14-15).

35. Additionally, when caught and asked further about the meaning of the express language of the April 22, 2009 order he consented to, District Attorney Porter stated that although the order clearly gave all authority to Petitioner to reconvene a trial, he, as prosecutor, could file a motion whenever he liked. (Ex. L, at 56-57).

36. Finally, when asked directly if he asked the Milford Police Department to arrest Petitioner at his hotel room, District Attorney Porter stated that he did not. (Ex. L, at 58:24-25).

37. Following Petitioner's extradition to Georgia, District Attorney Porter made the April 22, 2009 order disappear. In a reply email of January 25, 2013 to Corporal/Detention Center Medical Liason Ray Strickland—who had asked if the

order was still in place—District Attorney Porter stated, "Those orders all went away when he violated the conditions of his bond. Tell him to pound sand."

38. Similarly, in an email of February 27, 2013 to Colonel Donald Pinkard, District Attorney Porter stated "This is the same crap as last time. You need to tell your staff that they should not make any accommodations for court unless or until ordered to do so by the Court." The email was sent to the Gwinnett Jail, the Gwinnett Courts, and most inexplicably, to Gwinnett Superior Court Judge Karen E. Beyers.

39. Consequently, Petitioner, unable to stand trial due to his significant medical impairments and, therefore, having not moved the court for a trial, was forced to enter a plea on December 2, 2013—the State and Court having deprived Petitioner of due process and unequivocally ignored federal law under the Rehabilitation act of 1973 and the Americans with Disabilities Act of 1990, both legislative acts they still contend they are immune to.

40. Additional facts are incorporated in the Statement of Claims as necessitated.

III. STATEMENT OF CLAIMS

CLAIM ONE

PETITIONER WAS DEPRIVED OF HIS RIGHT TO THE EFFECTIVE ASSISTANCE OF COUNSEL IN VIOLATION OF THE SIXTH, EIGHTH, AND FOURTEENTH AMENDMENTS OF THE UNITED STATES CONSTITUTION, ALSO VIOLATING THE PROTECTIONS OF STRICKLAND v. WASHINGTON, 466 U.S. 688 (1984), EVITTS v. LUCEY, 470 U.S. 1065 (1985), AND THE ANALOGOUS PROVISIONS OF THE GEORGIA CONSTITUTION.

41. Petitioner incorporates all other allegations in this Petition into this claim by specific reference.

42. Petitioner's counsel provided ineffective assistance at all stages of the proceedings in violation of his rights pursuant to the Fifth, Sixth, Eighth, and Fourteenth Amendments to the United States Constitution and the analogous state constitutional provisions. *Williams v. Turpin*, 87 F.3d 1204 (11th Cir. 1996).

43. A defendant's right to the assistance of counsel is long-established. *Powell v. Alabama*, 287 U.S. 45 (1932). As the Supreme Court of the United States has held, lawyers "are necessities not luxuries," *Gideon v. Wainwright*, 372 U.S. 335, 344 (1963), whose "presence is essential because they are the means through which other rights of the person on trial are secured." *United States v. Cronic*, 466 U.S. 648, 653 (1984). A defendant's constitutional right to counsel encompasses the right to the *effective* assistance of counsel. *See Strickland v.*

Washington, 466 U.S. 668, 686 (1984); *Williams v. Taylor*, 529 U.S. 362 (2000); *Wiggins v. Smith*, 539 U.S. 5120 (2003); *Rompilla v. Beard*, 545 U.S. 374 (2005). To that end, the Supreme Court of the United States has repeatedly emphasized counsel's "fundamental" role in ensuring a fair trial. *See, e.g., Cronic*, 466 U.S. at 648; *Argersinger v. Hamlin*, 407 U.S. 24, 31 (1972); *Gideon v. Wainwright*, 372 U.S. 335, 343-44 (1963). In this case, counsels' advocacy fell far short of the effectiveness guaranteed to Petitioner by the Sixth Amendment and the analogous state constitutional provision.

44. Petitioner's trial counsel deprived him of his right to the effective assistance of counsel during all phases of the proceeding against him in violation of the Fifth, Sixth, Eighth, and Fourteenth Amendments to the United States Constitution and the analogous state constitutional provisions. Furthermore, because the adversarial process at Petitioner's trial was compromised, prejudice should be presumed. *Penson v. Ohio*, 488 U.S. 75, 88 (1988); *Strickland*, 466 U.S. 688, 692; *Cronic*, 466 U.S. at 659-660; *Evitts v. Lucy*, 469 U.S. 387, 396 (1985); *Halloway v. Arkansas*, 435 U.S. 475 (1978).

45. Trial counsel's ineffectiveness includes, but is not limited to:

a. The failure to adequately identify and raise the facts and legal errors enumerated in this Petition in Claims Two through Six, *infra*;

b. The failure to effectively litigate the supplanting August 2009 bond order and its impact on the proceedings and Petitioner's custodial status; (Exhibit Cite)

c. The failure to effectively litigate the procedural implications of the 2009 continuance order, including the speedy trial claim stemming from the September, 2010 demand that went unanswered;

d. The failure to raise Petitioner's 11-month stay in isolation preceding the plea hearing and his incapability of comprehending the proceeding due to diminished mental state;

e. The failure to raise and litigate the State's failure to present any evidence as to damages suffered by the three victims, who each received $100,000;

f. The failure to adequately address or explain to Petitioner the terms of the plea agreement, which included specific language preventing him from working in the film industry and a presence requirement in Gwinnett County for 20 years; and

g. The failure to adequately address the specific terms and legal requirements surrounding Petitioner's registry as a sex offender and the conflicting entry of the plea under Georgia's First Offender Act. *See Taylor v. State*, 304 Ga. App. 878, 878 (2010) ("it is constitutionally deficient for counsel not

to advise his client that pleading guilty will make him subject to the sex offender registration requirements").

46. Petitioner's trial counsels' performance was deficient and "there is a reasonable probability that, but for counsel's errors, he would not have pleaded guilty and would have insisted on going to trial." *Harden v. Johnson*, 280 Ga. 464 (2006) (quoting *Hill v. Lockhart*, 474 U.S. 52 (1985)).

CLAIM TWO

PETITIONER'S PLEA WAS NOT KNOWINGLY, INTELLIGENTLY, AND VOLUNTARILY ENTERED IN VIOLATION OF THE CONSTITUTION OF THE STATE OF GEORGIA, THE CONSTITUTION OF THE UNITED STATES, BOYKIN V. ALABAMA, 395 U.S. 238, 241-42 (1969).

47. Petitioner incorporates all other allegations in this Petition into this claim by specific reference.

48. Where the validity of a guilty plea is challenged, the State bears the burden of showing that the plea was voluntarily, knowingly, and intelligently made. "The State may do this by showing through the record of the guilty plea hearing that (1) the defendant has freely and voluntarily entered the plea with (2) an understanding of the nature of the charges against him and (3) an understanding of the consequences of his plea." *Blass v. State,* 293 Ga. App. 346 (2008); *see Wilson v. Kemp*, 288 Ga. 779 (2011) (In habeas proceeding, the state has burden of establishing knowing, intelligent, and voluntary nature of plea).

49. The State, through its misconduct (Claim Three, *infra*) in misleading the extradition/habeas court in Connecticut and, subsequently, disappearing the April 22, 2009 order granting Petitioner sole authority to convene trial based on his medical conditions, rendered Petitioner's plea non-voluntary and deprived Petitioner of his due process rights.

50. The Court, in refusing to provide adequate and necessary accommodations to Petitioner under federal law, deprived Petitioner of his right to a fair trial and forced Petitioner to enter a plea of guilty. This includes, but is not limited to, the Court's failure to provide basic hearing accommodations in the form of prescription hearing aids at the plea hearing itself, thereby preventing the Petitioner from hearing the proceedings.

51. The Court also failed to adequately inquire into and "resolve the conflict between the waiver of trial and [Petitioner's] claim of innocence," failing to do as little as read the indictment aloud in court. *See Minchey v. State*, 155 Ga. App. 632, 633 (1980); *North Carolina v. Alford*, 400 U.S. 25, 31 (1970).

CLAIM THREE

PETITIONER WAS DEPRIVED OF HIS RIGHT TO DUE PROCESS OF LAW AND A FAIR TRIAL BY THE DISTRICT ATTORNEY'S MISCONDUCT, VIOLATING PETITIONER'S RIGHTS UNDER THE FIFTH, SIXTH AND FOURTEENTH AMENDMENTS TO THE UNITED STATES CONSTITUTION AND THE ANALOGOUS PROVISIONS OF THE GEORGIA CONSTITUTION.

52. Petitioner incorporates all other allegations in this Petition into this claim by specific reference.

53. The State has fundamentally deprived Petitioner of his due process rights by engaging in prosecutorial misconduct to force Petitioner to enter into a plea, resulting in his current conviction and sentence. *See Davis v. Zant*, 36 F.3d 1538 (11th Cir. 1994).

54. The State systematically deprived Petitioner of the medical accommodations he required to stand trial, at times openly mocking the veracity of Petitioner regarding his medical claims.

55. The State engaged in extradition proceedings knowing that Petitioner was not in any violation of any provision of any existing bond order or Connecticut law.

56. The State expressly consented to granting Petitioner the sole and exclusive authority to place his case upon a trial calendar through motion and a showing of sufficient health in the April 22, 2009 order. However, the State fraudulently

granted this sole authority to Petitioner, secretly believing it could file a motion to place the case on the trial calendar at any time.

57. The State then forced the extradition of Petitioner from Connecticut through misleading testimony and made a motion to place the case back on a trial calendar, forcing Petitioner to plea because his health was still too poor to stand trial.

58. This is quintessential prosecutorial misconduct, in that the State engaged in duplicitous behavior to create an unfair trial advantage. *See Cantrell v. State*, 266 Ga. 700, 702 (1996) (discussing, generally, matters that give the State an unfair advantage at trial).

59. Consequently, Petitioner can demonstrate sufficient cause and prejudice that evidences gross misconduct in the face of scant evidence. *See Turpin v. Christenson*, 269 Ga. 226 (1998).

CLAIM FOUR

THE COURT'S PRESIDING OVER THE PROCEEDINGS VIOLATED PETITIONER'S RIGHTS UNDER THE FOURTH, FIFTH, SIXTH, EIGHTH AND FOURTEENTH AMENDMENTS TO THE UNITED STATES CONSTITUTION AND THE ANALOGOUS PROVISIONS OF THE GEORGIA CONSTITUTION.

60. Petitioner incorporates all other allegations in this Petition into this claim by specific reference.

61. The right to a "fair trial in a fair tribunal is a basic requirement of due process," and even where there is no "actual bias," our judicial system "must

satisfy the appearance of justice." *In re Murchison*, 349 U.S. 133, 136 (1955) (*quoting Offutt v. United States*, 1348 U.S. 11, 14 (1954)); *Tumey v. Ohio*, 273 U.S. 510 (1927); *Ward v. Village of Monroeville, Ohio*, 409 U.S. 57, 60 (1972); *Withrow v. Larkin*, 421 U.S. 35 (1975); *Aetna Life Insurance Co. v. Lavoie*, 475 U.S. 813 (1986).

62. The Court's complete and total acquiescence to the will and demand of the State, regarding issues of bond revocation and the April 22, 2009 order, was of "such a nature and intensity to prevent the defendant from obtaining a trial uninfluenced by the court's prejudgment," as the prosecutorial and judicial arms are indistinguishable. *See Vaughn v. State,* 247 Ga. App. 368 (2000).

63. The Court's systematic and total deprivation of necessary accommodations under federal law deprived Petitioner of a fair trial and due process of law, including the Court's refusal to conduct requested mental health evaluations of Petitioner after extensive stays in isolation.

CLAIM FIVE

PETITIONER'S CONVICTION AND SENTENCE ARE NULL AND VOID PURSUANT TO O.C.G.A. § 17-9-4

64. Petitioner incorporates all other allegations in this Petition into this claim by specific reference.

65. Under O.C.G.A. § 17-9-4, "The judgment of a court having no jurisdiction of the person or subject matter, or void for any other cause, is a mere nullity and

may be so held in any court when it becomes material to the interest of the parties to consider it." *See Harper v. State*, 286 Ga. 216, 219 (2009).

66. Here, the 2009 order granting Petitioner sole authority to convene a trial remains in effect, thus rendering the subsequent proceedings void.

CLAIM SIX

PETITIONER MAINTAINS HIS ACTUAL INNOCENCE AND ASSERTS DEPRIVATIONS UNDER THE FOURTH, FIFTH, SIXTH, EIGHTH AND FOURTEENTH AMENDMENTS TO THE UNITED STATES CONSTITUTION AND THE ANALOGOUS PROVISIONS OF THE GEORGIA CONSTITUTION.

67. Petitioner incorporates all other allegations in this Petition into this claim by specific reference.

68. Petitioner maintains his actual innocence and asserts that the State did not have sufficient evidence to support the charges to which Petitioner pled guilty under *Alford*.

69. Petitioner's ability to assert his actual innocence in the course of the proceedings being challenged in this Petition was fundamentally infringed by the State and Court's systematic refusal to provide accommodations that would allow Petitioner to assert his innocence.

PRAYER FOR RELIEF

WHEREFORE, for the foregoing reasons and such other reasons that may appear to the Court, Petitioner respectfully requests that the Court:

(a) bring him before this Court and conduct a hearing and grant the writ of habeas corpus and discharge him from his illegal confinement and restraint;

(b) grant such other, further, and/or alternative relief as law and justice require.

Respectfully submitted this 22nd day of October, 2014.

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